

Appl. No. 10/690,431
Amdt. dated October 1, 2004
Reply to Office Action of April 26, 2004

REMARKS/ARGUMENTS

In the Office Action, claims 14-22 would be allowable if rewritten or amended to overcome the rejection(s) under 35 USC 112, first and second paragraphs, set forth in the Office Action.

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(5) because they include a reference sign not mentioned in the description as stated in the Office Action.

Claims 21 and 22 were rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement for the reasons stated in the Office Action.

Claims 14-22 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention as mentioned in the Office Action.

Claim 20, an independent claim, was not specifically discussed in the Office Action, and no reason was given for its rejection. Accordingly, claim 20 is believed to be allowable without further amendment.

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The following description of features of the invention is presented to clarify matters raised by the Examiner.

With respect to Point 2 of the Office Action, the objection to the Drawings is not understood. The reference number 14 in Fig. 1 indicates a displacement gauge. The displacement gauge 14 is discussed in page 7 at line 12 of the specification. Since the gauge 14 appears in the drawing and in the text of the specification, it is urged that this objection be withdrawn.

With respect to the claim rejections under 35 U. S. C. 112, first and second paragraphs, the following is noted.

In the present invention, two kinds of apparatus are used for two kinds of particles.

One is the ultra fine particle supply apparatus for ultra fine particles 7. The nozzle 4 is an example of the ultra fine particle supply apparatus 7 as described in page 5, line 18-19 of the specification. Instead of jetting out transport gas and ultra fine particles from the nozzle 4 for supplying to the substrate 3, an alternative method step such as flowing the ultra fine particles out of a slit upon application of fine vibrations, may be used depending upon the type or other conditions of ultra fine particles as described in page 6, line 6-10 of the specification. An apparatus (nozzle or electrostatic acceleration gun) for blowing ultra fine particles for forming a film, and an apparatus (nozzle or electrostatic acceleration gun) for blowing planarizing fine particles having a

grinding/polishing function are disposed separately as described in page 15, line 16-20 of the specification and shown in the drawing figures.

Thus a nozzle, an electrostatic acceleration gun and other means may be used as examples of the ultra fine particle supply apparatus 7.

Also disclosed in the specification and the drawing is the spray apparatus 21 for the planarizing fine particles 22. A nozzle and an electrostatic acceleration gun are examples of the spray apparatus 21 as described in page 11, line 18-20 of the specification. The spray apparatus 21 jets out planarizing fine particles 22 toward the deposited film 2a to grind and polish the surface of the deposited film 2a, and to form a planarized film 2c. The planarizing fine particles 22 may be blown toward the substrate in a mixed state with the ultra fine particles 7, i.e. concurrently with the ultra fine particles 7, or blown toward the substrate by using the spray apparatus 21 separately from the ultra fine particles 7 which are supplied from the nozzle 4. In the apparatus shown in Fig. 3, the planarizing fine particles and ultra fine particles are blown separately as described in page 11, line 9-14 of the specification.

Claims 21 and 22 are amended to clarify the points raised by the Examiner. These claims now clearly set forth that the film-forming apparatus comprises a spray apparatus such as a nozzle, and also comprises an electrostatic acceleration gun. The phrase

"the planarizing having the grinding/polishing function" is deleted to facilitate a reading of the claim language. The subject matter of the deleted phrase has already been described at the end of independent claim 20, and therefore need not be repeated in either of claims 21 and 22 which depend from claim 20. This clarification overcomes the rejection under 35 USC 112 (second paragraph) and also conforms the recital of the subject matter of the claims 21 and 22 to the teachings of the present specification, thereby to overcome the rejection under 35 USC 112 (first paragraph).

With respect to the rejection of claim 14 and its dependent claims under 35 USC 112 (second paragraph), it is noted that claim 14 recites a planarizing step involving a blowing of fine particles at an oblique angle. This finds support in element 21 of Figs. 3 and 4, and the specification on page 11. As is explained in the specification, various planarizing steps involving various ones of the apparatus may be employed. Since claim 14 recites details of one of such steps, as noted above, the phrase "one or more of" has been deleted for consistency and clarification. This is believed to clarify the point raised by the Examiner so as to overcome this ground of rejection.

In the event there are further issues remaining in any respect the Examiner is respectfully requested to telephone attorney to reach agreement to expedite issuance of this application.


Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

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Since the present claims set forth the present invention patentably and distinctly, and are not taught by the cited art either taken alone or in combination, this amendment is believed to place this case in condition for allowance and the Examiner is respectfully requested to reconsider the matter, enter this amendment, and to allow all of the claims in this case.

Respectfully submitted,


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CERTIFICATE OF MAILING UNDER 37 CFR SECTION 1.8(a)

I hereby certify that the accompanying Amendment is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patent, PO Box 1450 Alexandria, VA 22313-1450, on October 1, 2004.

Dated: October 1, 2004


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